



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE

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WASHINGTON, DC 20301-1950

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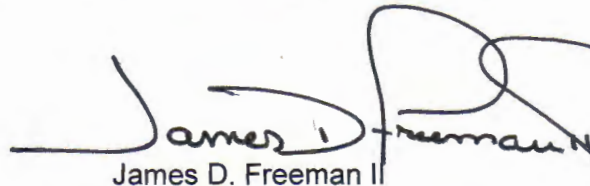
MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter and Membership Balance Plan Consultation – *Advisory Council on Dependents' Education*

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the *Advisory Council on Dependents' Education* (attached). The Council will operate under the provisions of the Federal Advisory Committee Act of 1972, as amended and in accordance with 41 CFR § 102-3.50.

Prior to filing the Council's charter with the Library of Congress and the appropriate congressional committees the Department of Defense respectfully requests that the Committee Management Secretariat review and approve the proposed charter and membership balance plan (attached). Both documents has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter please contact my point of contact, Len O'Reilly, at 703-692-5949.



James D. Freeman II
Advisory Committee Management
Officer for the Department of Defense

Attachments
Proposed Charter
Proposed Membership Balance Plan

Charter
Advisory Council on Dependents' Education

1. Committee's Official Designation: The Committee will be known as the Advisory Council on Dependents' Education ("the Council").
2. Authority: The Secretary of Defense, pursuant to 20 U.S.C. § 929 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Council.
3. Objectives and Scope of Activities: The Council shall provide independent advice and recommendations on the Department of Defense (DoD) dependents' education system, as set out in (4) below.
4. Description of Duties: The Council shall provide independent advice and recommendations to the Director, Department of Defense Education Activity ("the Director") and the Secretary of Defense, as appropriate, on the following:
 - a. Recommend to the Director general policies for operation of the defense dependents' education system with respect to curriculum selection, administration, and operation of the system;
 - b. Provide information to the Director from other Federal agencies concerned with primary and secondary education with respect to education programs and practices which such agencies have found to be effective and which should be considered for inclusion in the defense dependents' education system;
 - c. Advise the Director on the design of the study and the selection of the contractor referred to in 20 U.S.C. § 930(a)(2); and
 - d. Perform such other tasks as may be required by the Secretary of Defense.
5. Agency or Official to Whom the Committee Reports: The Council reports to the Director for all matters listed in section 4a through 4c above, and any other matters involving the DoD dependents' education system that are within the Director's purview. All matters outside the Director's purview shall be reported to the Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness (USD(P&R)).

The USD(P&R) or the Director, as appropriate, may act upon the Council's advice and recommendations.

6. Support: The DoD, through the Office of the USD(P&R), shall provide support, as deemed necessary, for the Council's performance, and shall ensure compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended) ("the Sunshine Act"), governing Federal statutes and regulations, and established DoD policies and procedures.

7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meeting, and contracting support, is approximately \$300,000.00. The estimated annual personnel cost to the DoD is 0.5 full-time equivalents.
8. Designated Federal Officer: The Council's Designated Federal Officer (DFO) shall be a full-time or permanent part-time DoD employee who shall be appointed in accordance with governing DoD policies and procedures.

The Council's DFO is required to be in attendance at all meetings of the Council and any subcommittees for the entire duration of each and every meeting. However, in the absence of the Council's DFO, a properly approved Alternate DFO, duly appointed to the Council according to established DoD policies and procedures, shall attend the entire duration of all meetings of the Council and its subcommittees.

The DFO, or alternate DFO, shall call all meetings of the Council and its subcommittees; prepare and approve all meeting agendas; and adjourn any meeting when the DFO, or the alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

9. Estimated Number and Frequency of Meetings: The Council shall meet at the call of the Council's DFO, in consultation with the Council's co-chairs. The estimated number of Council meetings is at least two per year.
10. Duration: The need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Council shall terminate upon repeal of 20 U.S.C. § 929.
12. Membership and Designation: The Council, pursuant to 20 U.S.C. § 929(a), shall be comprised of the following 16 members:
 - a. The Secretary of Defense and the Secretary of Education, or their respective designees;
 - b. Twelve individuals appointed jointly by the Secretary of Defense and the Secretary of Education who shall be individuals who have demonstrated an interest in the field of primary or secondary education and who shall include representatives of professional employee organizations, school administrators, and parents of students enrolled in the defense dependents' education system, and one student enrolled in such system; and
 - c. A representative of the Secretary of Defense and of the Secretary of Education.

Members appointed to the Council from professional employee organizations, pursuant to 20 U.S.C. § 929(a)(2), shall be individuals designated by those organizations and shall serve three-year terms of service, not to exceed two full terms.

The Secretary of Defense and Secretary of Education may approve the appointment of individuals appointed pursuant to 20 U.S.C. § 929(a)(1)(B) for one-to-four year term of service; however, no member appointed pursuant to 20 U.S.C. § 929(a)(1)(B), unless authorized by the

Secretary of Defense and the Secretary of Education, may serve more than two consecutive terms of service, unless authorized by the Secretary of Defense and the Secretary of Education.

Any member appointed to fill a vacancy occurring before the expiration of the term of service for which his or her predecessor was appointed shall be appointed for the remainder of such term.

Individuals who are not full-time or permanent part-time federal employees shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members. Individuals who are full-time or permanent part-time Federal employees shall be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as regular government employee (RGE) members. All members shall have their appointment renewed on an annual basis.

Pursuant to 20 U.S.C. § 929(d), members of the Council who are not full-time or permanent part-time employees of the Federal government shall, while attending meetings or conferences of the Council or otherwise engaged in the business of the Council, be entitled to compensation at the daily equivalent of the rate specified at the time of such service for level IV of the Executive Schedule under 5 U.S.C. § 5315. All Council members, while on official travel, shall be entitled to compensation for travel and per diem.

Pursuant to 20 U.S.C. § 929(a)(3), the Secretary of Defense and the Secretary of Education, or their designated representatives, shall serve as the Council's co-chairs.

Pursuant to 20 U.S.C. § 929(a)(4), the Director, Department of Defense Education Activity, shall be the Executive Secretary of the Council, but shall not vote on matters before the Council.

All members of the Council are appointed to provide advice on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

13. Subcommittees: DoD, when necessary and consistent with the Council's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Council. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or USD(P&R), as the Council's sponsor.

Such subcommittees shall not work independently of the Council and shall report all of their recommendations and advice solely to the Council for full and open deliberation, discussion, and voting. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Council. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Council, directly to the DoD or any Federal officer or employee.

The Secretary of Defense or the Deputy Secretary of Defense will appoint subcommittee members to a term of service of one-to-four years, with annual renewals, even if the member in question is already a member of the Council. Subcommittee members shall not serve more than

two consecutive terms of service unless authorized by the Secretary of Defense or the Deputy Secretary of Defense.

Subcommittee members, if not full-time or permanent part-time Federal employees, will be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as SGE members. Subcommittee members, who are full-time or permanent part-time Federal employees, shall be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as RGE members. With the exception of reimbursement of official travel and per diem related to the Council or its subcommittees, subcommittee members shall serve without compensation.

All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

14. Recordkeeping: The records of the Council and its subcommittees shall be handled according to Section 2, General Records Schedule 26, and governing DoD policies and procedures. These records will be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).
15. Filing Date:

Membership Balance Plan
Advisory Council on Dependents' Education

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to 20 U.S.C. § 929 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Advisory Council on Dependents' Education ("the Council").
2. Mission/Function: The Council shall perform the following functions in order to provide independent advice and recommendations to the Director, Department of Defense Education Activity ("the Director") and the Secretary of Defense, as appropriate, on matters relating to the DoD dependents' education system:
 - a. Recommend to the Director general policies for operation of the defense dependents' education system with respect to curriculum selection, administration, and operation of the system;
 - b. Provide information to the Director from other Federal agencies concerned with primary and secondary education with respect to education program and practices which such agencies have found to be effective and which should be considered for inclusion in the defense dependents' education system;
 - c. Advise the Director on the design of the study and the selection of the contractor referred to in 20 U.S.C. § 930(a)(2); and
 - d. Perform such other tasks as may be required by the Secretary of Defense.
3. Points of View: The Council shall, pursuant to 20 U.S.C. § 929(a), shall be composed of the following 16 members:
 - a. The Secretary of Defense and the Secretary of Education, or their respective designees;
 - b. Twelve individuals appointed jointly by the Secretary of Defense and the Secretary of Education who shall be individuals who have demonstrated an interest in the field of primary or secondary education and who shall include representatives of professional employee organizations, school administrators, and parents of students enrolled in the defense dependents' education system, and one student enrolled in such system; and
 - c. A representative of the Secretary of Defense and of the Secretary of Education.

Council members, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employees (SGE) members. Council members, who are full-time or permanent part-time Federal employees, shall be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as regular government employees (RGE) members.

The DoD, in selecting potential candidates for the Council, reviews the educational and professional credentials of individuals and bases its selection on this review, the subject matters being handled by the Council, and the requirements set forth in 20 U.S.C. § 929(a). The Department has found that viewing the complex issues facing the Department through a multidisciplinary advisory committee provides the Department and, more importantly, the American public with a broader understanding of the issues on which to base subsequent policy decisions. Members of the Council are appointed to

Membership Balance Plan
Advisory Council on Dependents' Education

provide advice on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

The Council's membership balance is not static and the Secretary of Defense, in coordination with the Secretary of Education, may change the membership based upon work assigned to the Council by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(P&R), as the Sponsor. The Department, unless otherwise directed by an Act of Congress or Presidential directive, does not use representative members on DoD-established or supported advisory committees.

4. Other Balance Factors: N/A
5. Candidate Identification Process: DoD, in selecting candidates for the Council in coordination with the Secretary of Education, reviews the educational and professional credentials of individuals who have demonstrated an interest in the field of primary or secondary education and who shall include representatives of professional employee organizations, school administrators, parents of students enrolled in the DoD dependents' education system, and one student enrolled in such system. Potential candidates are identified when the Council's Designated Federal Officer, requests a list of potential candidates from DoD and the Department of Education. Senior officials from both Departments identify and submit a list of potential candidates, along with their biographies and nomination memos to the Director.

Once potential candidates are identified, the Director reviews the credentials of each individual and narrows the list of potential candidates. During the Director's review, he or she strives to achieve a balance between the educational and professional credentials of the individuals and the anticipated subject matters to be reviewed by the Council to achieve expertise in points of view represented and functions to be performed.

After the list of candidates has been narrowed, it is forwarded to the USD(P&R) for review and formal nomination to the Secretary of Education and then to the Secretary of Defense or the Deputy Secretary of Defense. Prior to nominating the potential candidates, the list will undergo a review by the Office of General Counsel for the Department of Defense and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the Council's charter and membership balance plan. Following this review, the USD(P&R) formally nominates the potential candidates to the Secretary of Education and then the Secretary of Defense and the Secretary of Education for approval.

Following approval by the Secretary of Defense and Secretary of Education, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members who are appointed as SGE members.

Council member vacancies will be filled in the same manner as described in the previous four paragraphs above. The Secretary of Defense or the Deputy Secretary of Defense, in consultation with the Secretary of Education may approve the appointment of Council members for one-to four year terms of service, except for representatives of professional employee organizations, whose terms of

Membership Balance Plan
Advisory Council on Dependents' Education

service shall be three years. However, no member, unless authorized by the Secretary of Defense and the Secretary of Education, may serve more than two consecutive terms of service.

6. Subcommittee Balance: DoD, when necessary and consistent with the Council's mission and DoD policies and procedures, may establish subcommittees, task groups, or working groups to support the Council.

The Secretary of Defense or the Deputy Secretary of Defense shall approve the appointment of subcommittee members in the same manner as members of the Council, to include annual renewals. Individuals considered for appointment to any subcommittee of the Council may come from the Council itself or from new nominees, as recommended by the USD(P&R) and based upon the subject matter under consideration, but they must be approved by the Secretary of Defense before participating in any subcommittee work.

Subcommittee members, if not full-time or permanent part-time Federal government employees, shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as SGE members. Those individuals who are full-time or permanent part-time Federal government employees shall be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as RGE members. No subcommittee member may serve more than two consecutive terms of service without the Secretary of Defense or Deputy Secretary of Defense approval.

7. Other: As nominees are considered for appointment to the Council, the DoD adheres to the Office of Management and Budget's Final Guidance on Appointment of Lobbyists to Federal Committees and Commissions (76 FR 61756; October 5, 2011) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared/Updated: